

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMMY L. WILSON,

Petitioner,

Criminal No. 02-CR-80976-01

Civil No. 05-CV-70028

vs.

HON. GEORGE CARAM STEEH

UNITED STATES OF AMERICA,

Respondent.

_____ /

ORDER DENYING CERTIFICATE OF APPEALABILITY

Petitioner has filed a notice of appeal of this court's order dismissing his 28 U.S.C. § 2255 motion on the grounds that the federal sentencing guidelines are not invalidated under the holding in Blakely v. Washington, 124 S.Ct. 2431 (2004), and that Blakely is not applied retroactively. Before petitioner can appeal this court's decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed.R.App.P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner in this case has made no such showing. For this reason, a certificate of appealability is DENIED.

So ordered.

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

Dated: July 5, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on July 5, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee

Secretary/Deputy Clerk